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10/511,011

06/23/2005

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EXAMINER

COOK, NIA R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/511,011	Applicant(s) VRIJBURG, SJOERD GERARD	
	Examiner Nia Cook	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/23/2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-135 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 20-135 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because empty diagram boxes are impermissible under 37 CFR §1.83(a) which recites as follows:

*The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a **labeled** representation (e.g., a **labeled** rectangular box).*

- a. The empty diagram boxes 1-9, found in Figure 1 of the drawings, must be labeled with an appropriate descriptive phrase in addition to the reference legend all ready present. Appropriate correction is required.
- b. Step 7 of Figure 1 is omitted from the disclosure. Appropriate correction is required.

Replacement drawing sheets including the correction are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informality(s):
Applicant(s) are reminded to include the following in the next communication with respect to the header(s) within the specification, as following:

- (a) **--Background of the Invention--**:

The specification should set forth the Background of the Invention in two parts:

- i) **--Field of the Invention--**
- ii) **--Description of the Related Art--**;
- (b) **--Brief Summary of the Invention--**;
- (c) **--Brief Description of the Drawing(s)--**;
- (d) **--Detailed Description of the Invention --**.

Appropriate correction is required.

Claim Objections

3. Claim 20 recites the limitation "--the second code--" in line 12. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 128-136 have been renumbered to 127-135. Appropriate correction is required.

5. Applicant is advised that should claim 48 be found allowable, claim 57 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 20-57,59-63,65-67,69-71,73,75,77-117,126-135 are rejected under 35 U.S.C. 102(b) as being anticipated by Manico et al. (US 6,373,551).**

Regarding claim 20: Manico discloses a system (photographic system, Figure

7), via a wide area computer network (440, service provider), at least one image that is made by means of an image pick-up device (10, camera) having a housing, an image storage means (70, film cartridge; 80, unexposed film strip) arranged in the housing for storing image data, a first code (90, film ID number (part of database locator code 130)) which is associated with the image storage means for identification thereof, and a database locator code (130, 140) for locating the image data in a database, the system comprising:

(a) at least one first computer (500) that is connectable to said computer network (440) for inputting the database locator code (130, 140) and viewing the image (column 5, lines 43-47);

(b) at least one second computer (350, photofinisher) that is connectable to said computer network (440) having at least one database (480) for storing the image and an image data transfer means (430, column 5, lines 14-17) for transferring the image data into the database;

wherein the image is associated with the first code (90 [180 in Figure 5], column 5, lines 43-46) and the first code (90, film ID number) is the same as the database locator code (130, 140) or the second code is associated with the first code (column 3, lines 13-18).

Since the first code (90, film ID number) is an integral part of the database locator code (130, 140) required to access the images. The examiner has interpreted the database locator code structure (130 [internet address plus film ID number], 140 [password]) as a single embodiment where individual elements, including the Internet address, first code, password, and database locator code, have equivalent functions for accessing the images (column 3, lines 13-18; See Figures 2 and 3).

Regarding claims 21,35,78,86,95,103,111,127: Manico discloses wherein the first code (90, film ID number) is a field in the database (column 5, lines 3-6; See 420,380,410,480 in Figure 7).

Regarding claims 22,29,41,79,87,96,104,112,128: Manico discloses wherein the database locator code (130,140) comprises an Internet address (column 3, lines 13-18).

Regarding claims 23,30,36,46,80,88,97,105,113,129: Manico discloses wherein at least one part of the database locator code (90 of database locator code 130) can be searched for in a field in the database (column 5, lines 34-47).

Regarding claims 24,31,37,42,47,81,89,98,106,114,130: Manico discloses wherein the database is accessible via an Internet site (column 5, lines 43-47).

Regarding claims 25,32,38,43,48,51,82,90,99,107,115,131: Manico discloses wherein a person can download the image from the second computer to the first computer via an Internet site (Step 330, column 4 lines 30-41).

Regarding claims 26,33,39,44,49,83,91,100,108,116,132: Manico discloses wherein a person can order a photo print of the image via the Internet site (Step 340, column 4, lines 41-44).

Regarding claims 27,34,40,45,50,84,92,101,109,117,133: Manico discloses wherein a part of the first code (90, film ID number) comprises an Internet address (column 3, lines 13-18).

Since the first code (90, film ID number) is an integral part of the database locator code (130, 140) required to access the images. The examiner has interpreted the database locator code structure (130 [internet address plus film ID number], 140 [password]) as a single embodiment where individual elements, including the Internet address, first code, password, and database locator code, have equivalent functions for accessing the images (column 3, lines 13-18; See Figures 2 and 3).

Regarding claim 28: Manico discloses at least one image pick-up device (10, camera) wherein the first code (90, film ID number) and the database locator code (130, 140) of the image pick-up device correspond with the first code in the database (column 3, lines 13-18).

Regarding claim 52: Marino discloses a single use image pick-up (10, One time use camera) comprising:

- (a) a housing (See Figure 1);
- (b) an image storage means arranged in the housing for storing image data (70, photographic cartridge; 80, unexposed film strip);
- (c) a database (480);
- (d) a first identification code (90, film ID number) for identifying the image storage means or a recorded image within the database, said first identification code being associated with the image storage means (column 2, lines 56-67);
- (e) a database locator code (130, URL associated with the first code) for locating the database on a wide area computer network (column 3, lines 13-18).

Regarding claims 53,65,85: Marino discloses wherein the first code is associated with the housing (column 3, lines 25-28).

Regarding claims 54,60,69,93: Marino discloses wherein the database locator code (130, 140) is arranged on a coding means (column 3, lines 25-38).

Regarding claims 55,61,70,94: Marino discloses wherein the coding means comprises a label which is adhered releasably to the housing (column 3, lines 25-38).

Regarding claims 56,62,66,73,102: Marino discloses wherein the database locator code is arranged on a packaging of the image pick-up device (column 3, lines 10-18).

Regarding claims 57,63,67,71,75,110: Marino discloses wherein the image storage means comprises a photographic film (column 2, lines 56-60).

Regarding claims 59 and 126: Marino discloses wherein the first code (90, film ID number) is associated with the image storage means (70, film cartridge; 80, unexposed film strip; column 2, lines 56-60).

Regarding claim 77: Marino discloses a system for making available, via a wide area computer network, at least one image made means of an image pick-up device, the system comprising:

- (a) an image pick-up device (10) having
 - (i) a housing (See Figure 1);
 - (ii) an image storage means arranged in the housing for storing image data (70, film cartridge; 80, unexposed film strip);
 - (iii) a database (480);
 - (iv) a first identification code (90, film ID number) for identifying the image storage means or a recorded image within the database, said first identification code being associated with the image storage means (column 2, lines 56-67);
 - (v) a database locator code (130, URL associated with the first code) for locating the database on a wide area computer network (column 3, lines 13-18);
- (b) at least one first computer (500) that is connectable to said computer network (440) for inputting the database locator code (130, 140) and viewing the image (column 5, lines 43-47);
- (c) at least one second computer (350, photofinisher) that is connectable to said computer network (440) having at least one database (480) for storing the image and an image data transfer means (430, column 5, lines 14-17) for transferring the image data into the database;

wherein the image is associated with the first code (90 [180 in Figure 5], column 5, lines 43-46) and the first code (90, film ID number) is the same as the database locator code (130,140) or the second code is associated with the first code (column 3, lines 13-18).

Since the first code (90, film ID number) is an integral part of the database locator code (130, 140) required to access the images. The examiner has interpreted the database locator code structure (130 [internet address plus film ID number], 140 (password)) as a single embodiment where individual elements, including the Internet address, first code, password, and database locator code, have equivalent functions for accessing the images (column 3, lines 13-18; See Figures 2 and 3).

Regarding claim 134: Manico discloses a method for distributing at least one image, comprising the steps of:

(a) recording image data in image storage means of an image pick-up (10) for once only use (Step 250), said image data being associated with a first identification code for identifying the image storage means or the image within a database, said first identification code being associated with the image storage means (Step 240);

(b) removing or taking over a database locator code from the housing of said image pick-up device (Step 260; column 3, lines 26-30);

(c) transferring the image data via a wide area computer network from the image storage means to a database together with the first identification code with which the image data are associated (Step 300).

(d) making a connection to the database using a computer and the wide area computer network and retrieving the image data on the basis of the database locator code (Step 310);

wherein the image is associated with the first code and the first code is the same as the second code or the database locator code is associated with the first code.

Regarding claim 135: Manico discloses the steps of:

(a) selecting a desired image (Steps 330,340); (b) printing the selected desired image (Step 330); (c) sending the printed selected desired images (Step 340).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 58,64,68,72,74,76,118-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manico et al (US 6,373,551) in view of Cipolla et al. (US 6,201,931).**

Regarding claims 58,64,68,72,74,76, and 118: Manico discloses the image storage means comprising a digital storage means (column 5, lines 10-15). Manico discloses substantially the claimed invention except the image pick-up device (10) further comprising a digital image pick-up means for recording image information. Cipolla discloses a digital film unit where images are stored in digital form in a memory card, floppy disk, other magnetic, electronic, optical or memory device (column 5, lines 10-16). Furthermore, it is difficult and costly to copy, modify or transmit photographic images to use in computer and video systems without inconvenient and time-consuming conversion systems. However, a digital film unit or pick-up means would reduce production costs by eliminating film conversion steps in a production process. For example, digital images are more adaptable to editing for other forms of entertainment/amusement media such as calendars, greeting cards, shirts, and coffee mugs at reduced production times. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include digital pick-up means, as taught by

Cipolla, to provide image information which is extremely adaptable to other digital devices for processing, downloading, requesting, uploading, manipulating, storing, or printing information.

Regarding claim 119: Manico discloses wherein the first code (90, film ID number) is a field in the database (column 5, lines 3-6; See 420,380,410,480 in Figure 7).

Regarding claims 120: Manico discloses wherein the database locator code (130,140) comprises an Internet address (column 3, lines 13-18).

Regarding claims 121: Manico discloses wherein at least one part of the database locator code (90 of database locator code 130) can be searched for in a field in the database (column 5, lines 34-47).

Regarding claims 122: Manico discloses wherein the database is accessible via an Internet site (column 5, lines 43-47).

Regarding claims 123: Manico discloses wherein a person can download the image from the second computer to the first computer via an Internet site (Step 330, column 4 lines 30-41).

Regarding claims 124: Manico discloses wherein a person can order a photo print of the image via the Internet site (Step 340, column 4, lines 41-44).

Regarding claims 125: Manico discloses wherein a part of the first code (90, film ID number) comprises an Internet address (column 3, lines 13-18).

Since the first code (90, film ID number) is an integral part of the database locator code (130, 140) required to access the images. The examiner has interpreted the database locator code structure (130 [internet address plus film ID number], 140 [password]) as a single embodiment where individual elements, including the Internet address, first code, password, and database locator code, have equivalent functions for accessing the images (column 3, lines 13-18; See Figures 2 and 3).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moghadam et al. (US 5,799,219) discloses an automated film processing system where images are stored and accessed in a database based on unique identifier access codes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nia Cook whose telephone number is (571) 270-1741. The examiner can normally be reached on Monday through Friday 7:30a - 5:00p E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NC



William Perkey
Primary Examiner